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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/417,405	10/13/1999	JEFFRY JOVAN PHILYAW	PHLY-24768	7390

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EXAMINER

KANG, PAUL H

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 07/15/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Applicati n N .

09/417,405

Applicant(s)

PHILYAW ET AL.

Examiner

Paul H Kang

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-- The MAILING DATE of this communication appears n the cover sheet with the corresp ndence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Markowitz et al., US Pat. No. 6,311,185, in view of Moshfeghi et al., US Pat. No. 6,067,166.

3. Regarding claims 1 and 8, Markowitz teaches the invention substantially as claimed. Markowitz teaches an architecture and method of presenting banner advertising of a web page to a user, comprising the steps of:

providing a server node disposed on a network that interfaces with a user node disposed on the network (Markowitz, col. 2, lines 18-36);

transmitting to the user node from the server node a web page...(Markowitz, col. 1, line 13 – col. 2, line 36).

However, Markowitz does not explicitly teach obtaining from the user node current video resolution settings of the user node by the server node over the network in response to the user accessing the server node and at the time of the user gaining access to the server node, which obtained video resolution settings represent the user node resolution settings at the time of access

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to the server node by the user; and transmitting to the user node a web page having maximized viewable banner advertising content corresponding to the video resolution setting. In the same field of endeavor, Moshfeghi teaches a server which obtains video resolution settings of the user to transmit to the user documents which comply with the user's capabilities (Moshfeghi, col. 1, lines 36-58 and col. 2, line 43 – col. 3, line 49). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated obtaining user video resolution settings, as taught by Moshfeghi, into the system of Markowitz for the purpose of increasing efficiency by customizing web content to specific user characteristics.

4. Regarding claims 2 and 9, Markowitz-Moshfeghi teach obtaining the video resolution settings from an operating system of a user computer of the user node (Moshfeghi, col. 1, lines 36-58 and col. 2, line 43 – col. 3, line 49).

5. Regarding claims 3 and 10, Markowitz-Moshfeghi teach the system wherein during the step of obtaining, the server node queries the user node for the video resolution settings via a resolution request signal (Moshfeghi, col. 1, lines 36-58, col. 2, line 43 – col. 3, line 49; col. 4, lines 21-38 and col. 4, lines 39-42).

6. Regarding claims 4 and 11, Markowitz-Moshfeghi teach the system wherein during the step of transmitting, the server node transmits the web page having one or more banner objects which have been increased in size in relationship to a given video resolution, and one or more of said banner objects which have not been increased in size to that given video resolution

(Moshfeghi, col. 6, lines 8-62 and Markowitz, col. 2, line 65 – col. 4, line 33).

7. Regarding claims 5 and 12, Markowitz-Moshfeghi teach the system wherein during the step of transmitting, the server node transmits the web page having one or more banner objects which have been increased in size in relationship to a given video resolution and without adding spacing material (Markowitz, col. 2, line 65 – col. 4, line 33).

8. Regarding claims 6 and 13, Markowitz-Moshfeghi teach the system wherein the server node has one or more predefined web pages for corresponding to one or more predetermined video resolutions, and select ones of the one or more of the predefined web pages are transmitted to the user node during the step of transmitting according to the video resolution of the user node (Moshfeghi, col. 6, lines 8-62 and Markowitz, col. 2, line 65 – col. 4, line 33).

9. Regarding claims 7 and 14, Markowitz-Moshfeghi teach the system wherein a geometry management algorithm automatically structures layout of the web page using one or more banner objects which are scaled in size and altered in geometry such that web page real estate coverage is maximized without adding spacing material (Moshfeghi, col. 6, lines 8-62 and Markowitz, col. 2, line 65 – col. 4, line 33).

10. Regarding claims 15, 16, 17 and 18, Markowitz-Moshfeghi teach the system wherein the user node includes a display, the step of transmitting further comprises maximizing the viewable banner advertising content without changing pixel dimensions of other viewable objects on the

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display (Advertisements may be entered without altering other objects; Moshfeghi, col. 6, lines 8-62 and Markowitz, col. 2, line 65 – col. 4, line 33).

Applicant's arguments filed May 08, 2003 (paper no. 12) have been fully considered but they are not persuasive. As to claims 1 and 8, the Applicant argued in substance that the prior art of record fails to teach:

A) automatically obtaining user information. "The user must enter the information requested by the server by filling out a form." "In Moshfeghi et al., 'the web server has to be supplied with information about the user and the user's environment' ... This information is supplied when, 'the first time a user accesses the web server he/she will be asked to enter information' including 'user environment information which is stored in database or file system 26 at the server' and thereafter identified by the user's IP address... This system has the disadvantage in that it does not ensure the user of current video resolution settings, which may be different, subject to a variety of circumstances, particularly as found in a hospital as is readily apparent in the disclosure of Moshfeghi."

As to point A, Applicant argues limitations which are not essential to the scope of the prior art. The definiteness of the language employed must be analyzed, not in a vacuum, but always in light of the teachings of the prior art and of the particular application disclosure as it would be interpreted by one possessing the ordinary level of skill in the pertinent art. Insofar, the claims have been given the broadest reasonable interpretation consistent with the specification and the prior art during the examination of this patent application since the applicant may then

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amend his claims, the thought being to reduce the possibility that after a patent is granted, the claims may be interpreted as giving broader coverage than is justified.

In the instant case, the prior art of record teaches methods to provide current video resolution settings (settings entered by the user are assumed to be current) to the server by automatically retrieving stored user video resolution settings of the user node in response to user access at the time of access (user preferences/settings are retrieved once the user logs in/accesses server). The invention as claimed does not require that the prior art of record “ensure” current settings as argued by the applicant, for example, by the server program automatically accessing the user browser program to retrieve video resolution settings. Therefore, applicant’s arguments regarding “retrieving current video resolution settings” are not given weight as to the patentability of the claimed subject matter.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (703) 308-6123. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Paul H Kang
Examiner
Art Unit 2141

July 14, 2003